

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHERESE JOHNSON,

Plaintiff,

No. 21-10930

v.

Honorable Nancy G. Edmunds

LOUIS DEJOY, POSTMASTER GENERAL
OF THE UNITED STATES,

Defendant.

**OPINION AND ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION [30]**

This was a disability discrimination case brought by Plaintiff Chereese Johnson against the United States Postal Service. Plaintiff alleged disability discrimination disparate treatment (Count I), failure to accommodate (Count II), failure to engage in the interactive process (Count III), and hostile environment retaliation (Count IV). (ECF No. 1.) The Court granted Defendant's motion for summary judgment on February 1, 2023. (ECF No. 28, 29.) Plaintiff filed a motion for reconsideration on February 28, 2023. (ECF No. 30.) Plaintiff's motion is decided without response or oral argument. E.D. Mich. LR 59.1(b).

Federal Rule of Civil Procedure 59(e) allows a party to move a court to alter or amend a judgment within twenty-eight days after the entry of judgment. Relief under this rule is generally only granted to: (1) accommodate an intervening change in controlling law; (2) account for new evidence that was not previously available, or (3) correct a clear error of law or prevent manifest injustice. *Kenneth Henes Special Projects Procurement*

v. Continental Biomass Indus., Inc., 86 F. Supp. 2d 721, 726 (E.D. Mich. 2000) (citation omitted). Motions for reconsideration are “not intended as a vehicle to relitigate previously considered issues; should not be utilized to submit evidence which could have been previously submitted in the exercise of reasonable diligence; and are not the proper vehicle to attempt to obtain a reversal of a judgment by offering the same arguments previously presented.” *Nagle Indus., Inc. v. Ford Motor Co.*, 175 F.R.D. 251, 255 (E.D. Mich. 1997) (internal quotation marks and citation omitted).

Plaintiff does not identify an intervening change in controlling law, nor a clear error of law. Plaintiff’s motion for reconsideration contains numbered paragraphs referencing facts and arguments that were already before the Court with the motion for summary judgment. The facts cited therein are neither new nor previously unavailable. These facts and their corresponding arguments were considered by the Court and, where relevant, included in the Court’s opinion and order granting Defendant’s motion for summary judgment. (ECF No. 28.) The Court does not find that the facts in the motion for reconsideration would change the Court’s prior analysis.

For the above-stated reasons, Plaintiff’s motion for reconsideration is denied.

SO ORDERED.

Nancy G. Edmunds
United States District Judge

Dated: August 15, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 15, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager